

PHILLIP A. TALBERT
United States Attorney
ADRIAN T. KINSELLA
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN STERN,

Defendant.

CASE NO. 2:21-CR-00021-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: February 14, 2023
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 14, 2023.
2. By this stipulation, defendant now moves to continue the status conference until March 28, 2023, at 9:00 a.m., and to exclude time between February 14, 2023, and March 28, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, photographs, affidavits, other documents, over 3,500 recorded phone calls intercepted pursuant to the Title III wiretap orders, and other recordings. This entire discovery is in the process of being produced directly to counsel and/or made available for

1 inspection and copying. Additionally, the government recently produced over 1,000 pages of
2 additional discovery.

3 b) Counsel for defendant needs additional time to review the discovery in this case,
4 to conduct independent factual investigation, to research trial and sentencing issues, to consult
5 with the client, and to otherwise prepare.

6 c) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him the reasonable time necessary for effective preparation, taking into
8 account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of February 14, 2023 to March 28,
15 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
16 T4] because it results from a continuance granted by the Court at defendant's request on the basis
17 of the Court's finding that the ends of justice served by taking such action outweigh the best
18 interest of the public and the defendant in a speedy trial.

19 g) The parties also agree that, because the discovery in this case is voluminous and
20 involves multiple wiretaps, an exclusion of time is also appropriate pursuant to 18 U.S.C. §
21 3161(h)(7)(A), B(ii) [Local Code T2].

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 8, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: February 8, 2023

/s/ OLAF W. HEDBERG
OLAF W. HEDBERG
Counsel for Defendant
KEVIN STERN

ORDER

IT IS SO FOUND AND ORDERED this 8th day of February, 2023.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE